

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARRYL G. CLEWIES, II,
Plaintiff,
v.
AT&T, et al.,
Defendants.

No. 2:23-cv-00834-DAD-KJN (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 5)

Plaintiff Darryl G. Clewies, II is proceeding *pro se* and *in forma pauperis* in this civil action. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 14, 2023, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without leave to amend, due to plaintiff's failure to state a cognizable claim upon which relief may be granted. (Doc. No. 5.) The magistrate judge concluded that granting further leave to amend would be futile because plaintiff in this action seeks to bring a single claim under the Fair Debt Collection Practices Act ("FDCPA") against defendant AT&T based on allegations that AT&T had attempted to collect a debt plaintiff owed to AT&T, but FDCPA claims can only be brought against "debt collectors," which is defined as one who engages in debt collection on behalf of a third party, not an "entity that collects a debt owed to itself." (*Id.* at 3.) Those pending findings and recommendations were served on plaintiff

1 and contained notice that any objections thereto were to be filed within fourteen (14) days after
2 service. (*Id.* at 4–5.) To date, no objections to the pending findings and recommendations have
3 been filed, and the time in which to do so has now passed.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
5 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
6 findings and recommendations are supported by the record and by proper analysis.

7 Accordingly,

- 8 1. The findings and recommendations issued on June 14, 2023 (Doc. No. 5) are
9 adopted in full;
- 10 2. This action is dismissed due to plaintiff's failure to state a cognizable claim; and
- 11 3. The Clerk of the Court is directed to close this case.

12 IT IS SO ORDERED.

13 Dated: July 12, 2023

14 
UNITED STATES DISTRICT JUDGE